

09/913414

## IN THE UNITED STATES RECEIVING OFFICE

Applicant : John Smit  
Serial No. : 09/913,414  
Filed : August 13, 2001  
Title : PRODUCTION OF HETEROLOGOUS POLYPEPTIDES FROM  
FRESHWATER CAULOBACTER

**BOX PCT**

Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Responsive to the Notification of Missing Requirements under 35 U.S.C. 371  
mailed September 20, 2001, Applicant as a large entity submits herewith the following:

- ☒ Payment of the surcharge of \$130 for late filing of the;
- ☒ Petition for One-Month Extension of Time with appropriate fee; and
- ☒ A Combined Declaration and Power of Attorney in compliance with 37 CFR §1.63.

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## CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EL 932079094 US

I hereby certify under 37 CFR §1.10 that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee with sufficient postage on the date indicated below and is addressed to the U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202.

Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

Applicant : John Smit  
Serial No. : 09/913,414  
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Page : 2

Attorney's Docket No.: 08106-005001 / 82104-22

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply any other charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 08106-005001.

Respectfully submitted,

Date: December 6, 2001

Jack Brennan  
Jack Brennan  
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|   |                                  |   |
|---|----------------------------------|---|
| U.S. APPLICATION NO.<br>09/913414                                   | FIRST NAMED APPLICANT<br>SIMIT J | ATTY. DOCKET NO.<br>08106-005001                |
| RECEIVED<br>SEP 24 2001<br>FISH & RICHARDSON, P.C.<br>BOSTON OFFICE |                                  | INTERNATIONAL APPLICATION NO.<br>PCT/CA00/00173 |
| I.A. FILING DATE<br>21 FEB 00                                       |                                  | PRIORITY DATE<br>19 FEB 99                      |

Y. ROCKY TSAO  
FISH & RICHARDSON  
225 FRANKLIN STREET  
BOSTON, MA 02110 2804

DATE MAILED: 20 SEP 2001

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> U.S. Basic National Fee.   | <input type="checkbox"/> Indication of Small Entity Status.                         |
| <input checked="" type="checkbox"/> Copy of the international application.   | <input type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventors(s).  | <input type="checkbox"/> Translation of Article 19 amendments into English.         |
| <input type="checkbox"/> Copy of Article 19 amendments.  | <input type="checkbox"/> Other:   |
| <input checked="" type="checkbox"/> Priority Document.   |   |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. |   |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English.        |   |

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

- Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation  
☐ PTO-875 ☐ PCT/DO/EO/920

FORM PCT/DO/EO/905 (March 2001)

John Anderson  
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Docketed By Practice Systems  
Action Code: M-598 Requirements  
Base Date: 9-20-01  
Due Date: 11-20-01  
Deadline: 3-20-02  
Initial: JMG

Docketed By Billing Secretary  
Due Date:  
Due Date:  
Due Date:  
Due Date:

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